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Final Fiscal Note

Drafting Number: LLS 23-0608 Date: July 17, 2023
Prime Sponsors: Rep. DeGraaf; Joseph Sen. Baisley; Winter F. Bill Status: Signed into Law
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Bill Topic: DUE PROCESS ASSET FORFEITURE ACT

- Summary of Fiscal Impact: [x] State Revenue [x] State Expenditure [ ] State Transfer [ ] TABOR Refund [x] Local Government [ ] Statutory Public Entity

The bill updates the information included in the Department of Local Affairs' civil asset forfeiture report. In FY 2023-24 only, the bill will impact state and local revenue and expenditures.

Appropriation Summary: For FY 2023-24, the bill requires and includes an appropriation of \$22,549 to the Department of Local Affairs.

Fiscal Note Status: The fiscal note reflects the enacted bill.

Table 1 State Fiscal Impacts Under HB 23-1086

Table with 4 columns: Category, Sub-category, Budget Year FY 2023-24, and Out Year FY 2024-25. Rows include Revenue, Expenditures (General Fund, Total FTE), Transfers, and Other Budget Impacts (General Fund Reserve).

## **Summary of Legislation**

The bill updates what is included in the Department of Local Affairs' (DOLAs) civil asset forfeiture report. Changes include collecting certain information on the outcome of the forfeiture proceeding, including if the owner defaulted or was an innocent owner, or if the property was forfeited by court order, settlement, or plea agreement. The bill also requires DOLA to report on the estimated value of the property.

## **Background**

Data on civil asset forfeiture is annually published by DOLA and is available online [here](#).

## **State Expenditures**

In FY 2023-24 only, the bill increases General Fund expenditures by \$22,549 in DOLA and increases workload in state law enforcement agencies.

**DOLA.** The bill requires DOLA to update and add data fields to the civil asset forfeiture report, which requires one-time 0.2 FTE from the Office of Information Technology.

**State law enforcement agencies.** Starting in FY 2023-24, workload to state law enforcement will increase to capture the new required data; no change in appropriations is required.

## **Other Budget Impacts**

**General Fund reserve.** Under current law, an amount equal to 15 percent of General Fund appropriations must be set aside in the General Fund statutory reserve. Based on this fiscal note, the bill is expected to increase the amount of General Fund held in reserve by the amounts shown in Table 1, decreasing the amount of General Fund available for other purposes.

## **Local Government**

Starting in FY 2023-24, workload to local law enforcement agencies, including district attorneys, will increase to capture the new required data. This work is expected to be minimal.

## **State Appropriations**

The bill requires and includes a General Fund appropriation of \$22,549 to the Department of Local Affairs, which is reappropriated to the Office of Information Technology with 0.2 FTE.

## **Effective Date**

The bill was signed into law by the Governor on June 7, 2023, and takes effect September 1, 2023, assuming no referendum petition is filed.

**State and Local Government Contacts**

Counties  
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